

Executive Summary – Enforcement Matter – Case No. 41553
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2011-0648-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

DuPont Beaumont Works Industrial Park, 5470 North Twin City Highway, Nederland,
Jefferson County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 2, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,102

Amount Deferred for Expedited Settlement: \$6,020

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,041

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$12,041

Name of SEP: Texas Air Research Center - Flare Minimization and Air Quality
Modeling

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$25

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41553
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2011-0648-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 4 and 8, 2011

Date(s) of NOE(s): April 11, 2011

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 516 pounds ("lbs") of nitrogen oxide ("NOx") from the Ammonia Oxidation Process ("AOP") Abater during an emissions event (Incident No. 143489) that began on August 11, 2010 and lasted nine hours and 49 minutes. The emissions event was caused when the AOP unit tripped due to false pressure readings from a newly installed pressure transmitter, 2PT615. Since this emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 4351, Special Conditions ("SC") No. 1; Federal Operating Permit ("FOP") No. O1961, Special Terms and Conditions ("STC") No. 16 and General Terms and Conditions ("GTC"); and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit an initial notification for Incident No. 143489 within 24 hours after discovery of the emissions event. Specifically, the initial notification was due by August 12, 2010 at 2252 hours, but was not submitted until August 13, 2010 at 0810 hours [30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 735.16 lbs of NOx from the AOP Abater during an avoidable emissions event (Incident No. 144178) that began on August 23, 2010 and lasted three hours. The emissions event occurred when heavy rains, combined with an 18 degree temperature drop, caused the converter temperature to decrease and created rapid changes in the AOP unit operating temperature and oxygen content. These rapid changes exceeded the capability of the newly installed Digital Control System ("DCS") to adjust the operating parameters. Since this emissions event could have been avoided by better design and operational practices, and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 4351, SC No. 1; FOP No. O1961, STC No. 16 and GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to submit an initial notification for Incident No. 144178 within 24 hours after discovery of the emissions event. Specifically, the initial notification was due by August 24, 2010 at 2000 hours, but was not submitted until August 30, 2010 at 1540 hours [30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 41553
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2011-0648-AIR-E

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 326.44 lbs of NO_x from the AOP Abater during an emissions event (Incident No. 144742) that began on September 12, 2010 and lasted two hours. The emissions event occurred when heavy rains, combined with a 17 degree temperature drop, caused the converter temperature to decrease and created rapid changes in the AOP unit operating temperature and oxygen content. These rapid changes exceeded the capability of the newly installed DCS to adjust the operating parameters. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 4351, SC No. 1; FOP No. O1961, STC No. 16 and GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that:

a. On September 14, 2010, in order to prevent a recurrence of emissions events due to the same cause as Incident Nos. 144178 and 144742, the Respondent:

i. Installed an automated temperature controller to address rapid changes in temperature and oxygen content in the AOP unit due to changing weather conditions; and

ii. Implemented an AOP Abater bed temperature override to prevent high NO_x emissions due to changing weather conditions.

b. On June 3, 2011, Plant leadership reinforced that emissions events must be reported within 24 hours of discovery, and stressed the importance of ensuring that emissions events are properly reported.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 41553
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2011-0648-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 422-8938; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: Phillip Hampsten, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-6732

Respondent: Thomas C. Davis, Plant Manager, E. I. du Pont de Nemours and
Company, P.O. Box 3269, Beaumont, Texas 77704

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0648-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company
Penalty Amount:	Twenty-Four Thousand Eight-Two Dollars (\$24,082)
SEP Offset Amount:	Twelve Thousand Forty-One Dollars (\$12,041)
Type of SEP:	Contribution to Pre- Approved SEP
Third-Party Recipient:	Texas Air Research Center
Project Name:	Flare Minimization and Air Quality Modeling
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Air Research Center** for the *Flare Minimization and Air Quality Modeling* project. The contribution will be used in accordance with the Supplemental Environmental Project executed on October 30, 2009, between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used for advanced modeling involving utilizing optimization and plant-wide dynamic simulation to cause reductions in flaring during turnaround operations at industrial facilities. Flaring during turnaround operations (startups and shutdowns) at industrial facilities is a substantial source of both volatile organic compounds (VOCs) and highly reactive volatile organic compounds (HRVOCs), and flaring results in considerable loss of energy and resources. Reductions in VOC and HRVOC emissions are expected to occur primarily through reducing the duration of turnarounds and through recycling or reuse of materials that would otherwise be flared.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

E.I. du Pont de Nemours and Company
Agreed Order - Attachment A

commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

This SEP will directly benefit the environment by reducing emissions into the airshed, thereby improving air quality for the community. This SEP will indirectly benefit the environment by conserving energy and resources through reuse and recycling. The SEP will provide information regarding potential viable air emission reductions strategies that will result in improvement of air quality. This SEP will also provide scientific insights regarding how emissions and meteorological conditions affect the air quality in the airshed.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Air Research Center at Lamar University
Attention: George Talbert, Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

E.I. du Pont de Nemours and Company
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	18-Apr-2011	Screening	3-May-2011	EPA Due	6-Jan-2012
	PCW	17-Jun-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company				
Reg. Ent. Ref. No.	RN100216035				
Facility/Site Region	10-Beaumont	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	41553	No. of Violations	5
Docket No.	2011-0648-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,700**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **311.0%** Enhancement **Subtotals 2, 3, & 7** **\$23,947**

Notes: Enhancement for four NOV's with same/similar violations, three NOV's with dissimilar violations, 13 orders with denial of liability, and one order without denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,520**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$35
Approx. Cost of Compliance \$5,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$30,127**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$30,127**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$30,102**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$6,020**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$24,082**

Screening Date 3-May-2011

Docket No. 2011-0648-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 41553

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	13	260%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 311%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, three NOVs with dissimilar violations, 13 orders with denial of liability, and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 311%

Screening Date 3-May-2011

Docket No. 2011-0648-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 41553

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); Permit No. 4351, Special Conditions ("SC") No. 1; Federal Operating Permit ("FOP") No. O1961, Special Terms and Conditions ("STC") No. 16 and General Terms and Conditions ("GTC"); and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 516 pounds ("lbs") of nitrogen oxides ("NOx") from the Ammonia Oxidation Process ("AOP") Abater during an emissions event (Incident No. 143489) that began on August 11, 2010 and lasted nine hours and 49 minutes. The emissions event was caused when the AOP unit tripped due to false pressure readings from a newly installed pressure transmitter, 2PT615. Since this emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed corrective actions on June 3, 2011, the date the settlement offer was mailed.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$10,025

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 41553
Red. Ent. Reference No. RN100216035
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	12-Aug-2010	3-Jun-2011	0.81	\$20	n/a	\$20
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and procedures designed to ensure emissions events are properly reported. The Date Required is the date the initial notification was due. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$20

Screening Date 3-May-2011

Docket No. 2011-0648-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 41553

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an initial notification for Incident No. 143489 within 24 hours after discovery of the emissions event. Specifically, the initial notification was due by August 12, 2010 at 2252 hours, but was not submitted until August 13, 2010 at 0810 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirements.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed corrective actions on June 3, 2011, the date the settlement offer was mailed.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$401

This violation Final Assessed Penalty (adjusted for limits) \$401

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 41553
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 3-May-2011

Docket No. 2011-0648-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 41553

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); Permit No. 4351, SC No. 1; FOP No. O1961, STC No. 16 and GTC; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 735.16 lbs of NOx from the AOP Abater during an avoidable emissions event (Incident No. 144178) that began on August 23, 2010 and lasted three hours. The emissions event occurred when heavy rains, combined with an 18 degree temperature drop, caused the converter temperature to decrease and created rapid changes in the AOP unit operating temperature and oxygen content. These rapid changes exceeded the capability of the newly installed Digital Control System ("DCS") to adjust the operating parameters. Since this emissions event could have been avoided by better design and operational practices, and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on September 14, 2010, prior to the April 11, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$9,650

This violation Final Assessed Penalty (adjusted for limits) \$9,650

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 41553
Req. Ent. Reference No. RN100216035
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	23-Aug-2010	14-Sep-2010	0.06	\$15	n/a	\$15

Notes for DELAYED costs

Estimated expense to implement measures and procedures designed to prevent the converter temperature from decreasing and creating rapid changes in the AOP unit operating temperature and oxygen content due to changing weather conditions. The Date Required is the start date of the emissions event. The Final Date is the date that corrective measures were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$15

Screening Date 3-May-2011

Docket No. 2011-0648-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 41553

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an initial notification for Incident No. 144178 within 24 hours after discovery of the emissions event. Specifically, the initial notification was due by August 24, 2010 at 2000 hours, but was not submitted until August 30, 2010 at 1540 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirements.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed corrective actions on June 3, 2011, the date the settlement offer was mailed.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$401

This violation Final Assessed Penalty (adjusted for limits) \$401

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 41553
Req. Ent. Reference No. RN100216035
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 3-May-2011

Docket No. 2011-0648-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 41553

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); Permit No. 4351, SC No. 1; FOP No. O1961, STC No. 16 and GTC; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 326.44 lbs of NOx from the AOP Abater during an emissions event (Incident No. 144742) that began on September 12, 2010 and lasted two hours. The emissions event occurred when heavy rains, combined with a 17 degree temperature drop, caused the converter temperature to decrease and created rapid changes in the AOP unit operating temperature and oxygen content. These rapid changes exceeded the capability of the newly installed DCS to adjust the operating parameters. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on September 14, 2010, prior to the April 11, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,650

This violation Final Assessed Penalty (adjusted for limits) \$9,650

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
 Case ID No. 41553
 Reg. Ent. Reference No. RN100216035
 Media Air
 Violation No. 5

Percent Interest 5.0
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in Violation No. 3.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 4.82
Regulated Entity:	RN100216035	DUPONT BEAUMONT WORKS INDUSTRIAL PARK	Classification: AVERAGE	Site Rating: 14.97
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C	
	AIR OPERATING PERMITS	PERMIT	1959	
	AIR OPERATING PERMITS	PERMIT	1961	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50166	
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008081101	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30010	
	AIR NEW SOURCE PERMITS	REGISTRATION	16323	
	AIR NEW SOURCE PERMITS	PERMIT	18127	
	AIR NEW SOURCE PERMITS	REGISTRATION	24141	
	AIR NEW SOURCE PERMITS	REGISTRATION	29106	
	AIR NEW SOURCE PERMITS	REGISTRATION	29192	
	AIR NEW SOURCE PERMITS	REGISTRATION	31224	
	AIR NEW SOURCE PERMITS	REGISTRATION	31444	
	AIR NEW SOURCE PERMITS	REGISTRATION	36730	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C	
	AIR NEW SOURCE PERMITS	PERMIT	1743A	
	AIR NEW SOURCE PERMITS	PERMIT	2053	
	AIR NEW SOURCE PERMITS	PERMIT	2324	
	AIR NEW SOURCE PERMITS	PERMIT	2340	
	AIR NEW SOURCE PERMITS	PERMIT	2672	
	AIR NEW SOURCE PERMITS	PERMIT	3310	
	AIR NEW SOURCE PERMITS	PERMIT	3879	
	AIR NEW SOURCE PERMITS	PERMIT	4351	
	AIR NEW SOURCE PERMITS	PERMIT	4351A	
	AIR NEW SOURCE PERMITS	PERMIT	4704	
	AIR NEW SOURCE PERMITS	PERMIT	4752	
	AIR NEW SOURCE PERMITS	PERMIT	5310	
	AIR NEW SOURCE PERMITS	PERMIT	5777	
	AIR NEW SOURCE PERMITS	PERMIT	6183	
	AIR NEW SOURCE PERMITS	PERMIT	6301	
	AIR NEW SOURCE PERMITS	PERMIT	8106	
	AIR NEW SOURCE PERMITS	PERMIT	8143	
	AIR NEW SOURCE PERMITS	REGISTRATION	10013	

AIR NEW SOURCE PERMITS	REGISTRATION	11844
AIR NEW SOURCE PERMITS	REGISTRATION	12208
AIR NEW SOURCE PERMITS	REGISTRATION	12368
AIR NEW SOURCE PERMITS	REGISTRATION	12835
AIR NEW SOURCE PERMITS	REGISTRATION	12888
AIR NEW SOURCE PERMITS	REGISTRATION	12894
AIR NEW SOURCE PERMITS	REGISTRATION	12895
AIR NEW SOURCE PERMITS	REGISTRATION	12896
AIR NEW SOURCE PERMITS	REGISTRATION	13542
AIR NEW SOURCE PERMITS	REGISTRATION	14020
AIR NEW SOURCE PERMITS	REGISTRATION	14134
AIR NEW SOURCE PERMITS	REGISTRATION	14489
AIR NEW SOURCE PERMITS	REGISTRATION	75778
AIR NEW SOURCE PERMITS	REGISTRATION	75676
AIR NEW SOURCE PERMITS	AFS NUM	4824500003
AIR NEW SOURCE PERMITS	REGISTRATION	71190
AIR NEW SOURCE PERMITS	REGISTRATION	71144
AIR NEW SOURCE PERMITS	REGISTRATION	52189
AIR NEW SOURCE PERMITS	REGISTRATION	54296
AIR NEW SOURCE PERMITS	REGISTRATION	50568
AIR NEW SOURCE PERMITS	REGISTRATION	52358
AIR NEW SOURCE PERMITS	REGISTRATION	71369
AIR NEW SOURCE PERMITS	REGISTRATION	54705
AIR NEW SOURCE PERMITS	REGISTRATION	95568
UNDERGROUND INJECTION CONTROL	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL	PERMIT	WDW391
WASTEWATER	PERMIT	WQ0000473000
WASTEWATER	EPA ID	TX0004669
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
WATER LICENSING	LICENSE	1230066
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30010
POLLUTION PREVENTION PLANNING	ID NUMBER	P00189
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0033C

Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 27, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 27, 2006 to April 27, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kimberly Morales

Phone: (713) 422-8938

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1978-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

Description: Failure to comply with emissions limits found in the Maximum Allowable Emissions Rate Table (MAERT) in TCEQ Permit 1743.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT

1743/Special Conditions 4 PERMIT

Description: Failure to comply with emissions limits found in the Maximum Allowable Emissions Rate Table (MAERT) in TCEQ Permit 1743.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

Description: Failure to comply with Special Condition 1 and the limits specified in the MAERT constitutes violations of 30 TAC 116.115(c) and 30 TAC 116.115(b)(2)(F).

Effective Date: 08/31/2007

ADMINORDER 2003-1371-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(e)(1)

Rqmt Prov: 2796A, Special Condition 12F PERMIT

Description: Failure to conduct valid stack sampling for nitrogen oxides ("NOx") on Boiler 7, Emission Point Number ("EPN") P&S-BLR7, within 60 days, but no later than 180 days after the initial start up of the Plant, which occurred in December 2002.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limits PERMIT
 Description: Failure to comply with permitted effluent limitations at Outfall 001A and 101A as documented on December 8, 2003.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: 1743, SPECIAL CONDITION 1 PERMIT
 Description: Failure to maintain an emission rate within the allowable emission limits in the Maximum Allowable Emissions Rate Table ("MAERT") of the permit as documented on April 16, 2004, thru April 19, 2004.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: 1743 PERMIT
 Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit, as documented on July 22, 2004.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: 1743 PERMIT
 Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: 1 PERMIT
 Operational Lilitations 4 PERMIT
 Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit as documented on September 1, 2004.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Allowed unauthorized emissions from a dehydrating nitrogen line at the Aniline Unit on October 2, 2004.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 Rqmt Prov: 1743, Special Condition 1 PERMIT
 Description: Allowed unauthorized emissions from an absorber vent (EPN ACR-VNT 51) at the acrylonitrile process area on December 27, 2004.

Effective Date: 11/09/2007 ADMINORDER 2007-0155-IHW-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 335, SubChapter A 335.4
 Description: Failure to prevent an unauthorized discharge.

Effective Date: 03/08/2008 ADMINORDER 2007-1308-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
 5C THC Chapter 382, SubChapter A 382.0518(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 1961, General Terms and Conditions OP
 Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008 ADMINORDER 2007-2044-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.120(d)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 1A OP
 FOP O-01960, Special Condition 1E OP
 FOP O-01960, Special Condition 4 OP
 NSR Permit 1743, Special Condition 10 PERMIT
 NSR Permit 1743, Special Condition 2 PERMIT
 Description: Failure to maintain the water flow to scrubber ACR/ABS61 as specified in the Notification of Compliance Status Report.
 Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.120(d)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 1A OP
 FOP O-01960, Special Condition 1E OP
 FOP O-01960, Special Condition 4 OP
 NSR Permit 1743, Special Condition 10 PERMIT
 NSR Permit 1743, Special Condition 2 PERMIT
 Description: Failure to maintain the water flow to scrubber ACR/ABS156 as specified in the Notification of Compliance Status Report.
 Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.120(d)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 1A OP
 FOP O-01960, Special Condition 1E OP
 FOP O-01960, Special Condition 4 OP
 NSR Permit 1743, Special Condition 10 PERMIT
 NSR Permit 1743, Special Condition 2 PERMIT
 Description: Failure to maintain the water flow to scrubber ACR/ABS159 as specified in the Notification of Compliance Status Report.
 Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.120(d)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 1A OP
 FOP O-01960, Special Condition 1E OP
 FOP O-01960, Special Condition 4 OP
 NSR Permit 1743, Special Condition 10 PERMIT
 NSR Permit 1743, Special Condition 2 PERMIT
 Description: Failure to maintain the water flow to scrubber ACR/ABS218 as specified in the Notification of Compliance Status Report.
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP
Description: Failure to submit the semi-annual deviation report for the period of September 22, 2005 through October 10, 2005, in a timely manner.

Effective Date: 03/12/2009

ADMINORDER 2008-1298-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01961, General Terms and Condition OP
FOP O-01961, Special Condition 2F OP

Description: Failed to notify the TCEQ Regional Office within the required 24 hours of a reportable emissions event. The emissions event occurred on January 7, 2008, but was not reported until January 9, 2008 (Incident No. 102237).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01961, General Terms and Condition OP
FOP O-01961, Special Condition 16 OP
Permit 4351, Special Condition 1 OP

Description: Failed to prevent unauthorized emissions of 1,425.86 pounds of oxides of nitrogen from the Ammonia Oxidation Process Abater, Emissions Point Number ANI-STK83 due to a power outage damaging the catalyst and the unit shutdown for repair.

Effective Date: 03/23/2009

ADMINORDER 2008-1571-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit 4351, Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a 40-minute emissions event on January 17, 2008, the Ammonia Oxidation Process ("AOP") Abater, Emissions Point Number ANI-STK83, released 741.21 pounds of unauthorized nitrogen oxides. The abater was shutdown due to a loss of boiler feed water.

Effective Date: 07/20/2009

ADMINORDER 2009-0102-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01961, General Terms and Condition OP
FOP O-01961, Special Condition 2F OP

Description: Failed to submit a final emissions event report within two weeks after the end of the event (Incident No. 106111). Specifically, the event occurred and ended on April 9, 2008 and the report was due by April 23, 2008, but was not submitted until June 30, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01961, General Terms and Condition OP
FOP O-01961, Special Condition 16 OP
Permit 4351, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 473.93 pounds of nitrogen oxides were released from the Ammonia Oxidation Process Abater, emission point number ANI-STK83, during an emissions event (Incident No. 106111) that began during an April 9, 2008 shutdown activity and lasted 57 minutes. Since the emissions event was improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were

not met.

Effective Date: 11/13/2009 ADMINORDER 2009-0861-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 16 OP
Description: Failed to prevent unauthorized emissions during Incident No. 117097.

Effective Date: 02/22/2010 ADMINORDER 2009-1230-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01961, General Terms and Condition OP
 O-01961, Special Condition 16 OP
 Permit 4351, Special Condition 1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit.
EIC A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limit for incident number 107521.
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
 5C THSC Chapter 382 382.085(b)
Description: Failure to submit a final report within two weeks after completion of the maintenance activity.

Effective Date: 05/09/2010 ADMINORDER 2009-1887-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit.
A8(c)(2)(A)(ii) MOD(2)(D)

Effective Date: 08/09/2010

ADMINORDER 2008-1529-IHW-E

Classification: Major
Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)
Description: Failure to prevent the disposal of industrial hazardous waste at an unauthorized facility.
Specifically, an April 8, 2008 tank failure resulted in a discharge of approximately 2,655 gallons of a mixture of 75% sulfuric acid, 25% nitrobenzene and trace amounts of benzene and aniline.
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.31
Description: Failure to maintain and operate the facility to minimize the possibility of an unplanned release of hazardous waste to the air, soil and surface water which could threaten human health or the environment.

Effective Date: 11/15/2010

ADMINORDER 2010-0379-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
A8(c)(2)(A)(ii) MOD(2)(D)
MOD 2D
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
A8(c)(2)(A)(ii) MOD(2)(D)

Effective Date: 02/05/2011

ADMINORDER 2010-1058-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT

Special Terms and Conditions No. 13 OP

Description: Failed to prevent the discharge of unauthorized emissions from the AOP (EPN ANI STK83) on February 13, 2010 (Incident No. 135791). Specifically, the Respondent shut down a distillation unit that should have been operated in the circulation mode to supply a condensate supply to the AOP unit. As a result, the AOP unit was forced to shut down. During the start-up of the AOP, the emission limit for NOx was exceeded for one hour, resulting in unauthorized emissions of 222.22 pounds of NOx.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/29/2006	(344561)
2	08/31/2006	(438112)
3	08/31/2006	(449843)
4	05/16/2006	(461492)
5	06/08/2006	(461493)
6	08/31/2006	(463773)
7	06/09/2006	(464979)
8	06/08/2006	(465140)
9	05/16/2006	(465147)
10	05/12/2006	(465540)
11	09/10/2007	(466042)
12	07/20/2006	(481088)
13	06/23/2006	(481385)
14	06/23/2006	(483323)
15	07/20/2006	(484761)
16	08/23/2006	(486519)
17	08/23/2006	(486526)
18	08/23/2006	(486528)
19	08/30/2006	(487349)
20	08/31/2006	(497541)
21	08/31/2006	(509139)
22	10/30/2006	(511265)

23	11/17/2006	(513262)
24	12/20/2006	(514400)
25	11/15/2006	(515866)
26	11/08/2006	(518131)
27	11/07/2007	(518772)
28	11/10/2006	(518881)
29	12/19/2006	(531150)
30	01/30/2007	(538186)
31	02/12/2007	(539047)
32	04/12/2007	(543282)
33	04/12/2007	(543292)
34	04/12/2007	(543295)
35	04/25/2007	(555253)
36	04/25/2007	(557419)
37	06/13/2007	(559952)
38	06/20/2007	(560649)
39	07/13/2007	(563518)
40	06/18/2007	(563733)
41	08/29/2007	(567227)
42	09/17/2007	(572715)
43	10/19/2007	(573592)
44	11/05/2007	(594907)
45	12/14/2007	(597009)
46	12/17/2007	(599959)
47	12/19/2007	(611284)
48	04/04/2008	(618550)
49	03/31/2008	(638733)
50	04/29/2008	(640755)
51	06/18/2008	(656983)
52	05/27/2008	(671278)
53	05/30/2008	(671477)

54	08/01/2008	(681179)
55	07/09/2008	(684335)
56	08/12/2008	(685941)
57	08/04/2008	(687589)
58	10/06/2008	(688814)
59	09/10/2008	(699791)
60	10/22/2008	(700426)
61	11/19/2008	(700565)
62	11/17/2008	(706201)
63	11/13/2008	(706839)
64	12/09/2008	(707372)
65	12/04/2008	(708769)
66	12/04/2008	(709114)
67	12/04/2008	(709823)
68	01/15/2009	(710311)
69	12/31/2008	(722045)
70	03/23/2009	(726682)
71	06/02/2009	(726996)
72	03/11/2009	(735910)
73	03/10/2009	(736037)
74	04/06/2009	(738481)
75	06/04/2009	(743995)
76	05/29/2009	(744149)
77	06/04/2009	(744167)
78	06/11/2009	(744804)
79	06/11/2009	(744821)
80	07/02/2009	(745691)
81	07/07/2009	(746465)
82	04/13/2010	(749476)
83	07/29/2009	(749567)

84	06/24/2009	(759677)
85	07/30/2009	(760130)
86	07/14/2009	(760851)
87	08/03/2009	(761392)
88	07/29/2009	(761835)
89	07/30/2009	(762208)
90	02/16/2010	(762577)
91	09/21/2009	(763451)
92	11/05/2009	(765029)
93	08/11/2009	(765160)
94	09/14/2009	(765492)
95	10/05/2009	(765635)
96	08/31/2009	(767323)
97	11/02/2009	(776378)
98	10/30/2009	(776816)
99	10/14/2009	(777441)
100	10/30/2009	(778749)
101	11/02/2009	(778751)
102	11/13/2009	(779905)
103	12/04/2009	(782747)
104	12/04/2009	(783095)
105	12/04/2009	(783136)
106	01/21/2010	(783282)
107	02/16/2010	(783408)
108	02/16/2010	(783682)
109	01/19/2010	(785778)
110	02/23/2010	(787960)
111	02/08/2010	(787971)
112	06/01/2010	(788768)
113	02/01/2010	(788970)

114 02/16/2010 (789764)
115 02/16/2010 (789795)
116 03/11/2010 (792097)
117 04/21/2010 (795002)
118 03/23/2010 (795245)
119 05/21/2010 (798690)
120 05/21/2010 (798964)
121 06/18/2010 (799079)
122 08/06/2010 (829595)
123 08/04/2010 (829654)
124 08/09/2010 (829932)
125 08/13/2010 (830379)
126 07/22/2010 (830528)
127 08/24/2010 (842349)
128 09/19/2010 (843190)
129 09/16/2010 (864187)
130 11/16/2010 (869930)
131 11/12/2010 (872679)
132 01/25/2011 (881177)
133 01/03/2011 (886789)
134 02/12/2011 (895146)
135 02/12/2011 (895162)
136 02/12/2011 (895230)
137 02/12/2011 (895239)
138 04/11/2011 (901819)
139 03/17/2011 (901940)
140 03/17/2011 (902060)
141 04/11/2011 (902095)
142 04/11/2011 (902111)
143 04/15/2011 (905287)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/21/2006 (481088) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01961 OP
 Permit 4351 PA
 Description: Failure to equip open-ended lines with a cap, blind flange, plug, or a second valve for lines in Volatile Organic Compound service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.43b(f)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01961 OP
 Permit 2796A PA
 Description: Failure to conduct an alternate method of monitoring when the Continuous Emission Monitoring System (CEMS) of Nitrous Oxides at the Number 7 Boiler was malfunctioning.

Date: 06/14/2007 (559952) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 1961, General Terms and Conditions OP
 1961, Special Terms and Conditions 16 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 4351, Special Condition 5.D. PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to perform weekly calibrations for hydrogen concentration on a flare.

Self Report? NO Classification: Moderate
 Citation: 1961, General Terms and Conditions OP
 1961, Special Terms and Conditions 16 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 4351, Special Condition 5.D. PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to maintain minimum natural gas flow to flare.

Self Report? NO Classification: Moderate
 Citation: 1961, General Terms and Conditions OP
 1961, Special Terms and Conditions 16 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 4351, Special Condition 5.D. PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to perform weekly calibration on natural gas flow meter of flare.

Self Report? NO Classification: Moderate
 Citation: 1961, General Terms and Conditions OP
 1961, Special Terms and Conditions 6.F. OP
 30 TAC Chapter 117, SubChapter C 117.413(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to perform daily calibrations on a Continuous Emission Monitoring System (CEMS).

Date: 12/14/2007 (597215) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.100

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart A 63.11(b)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 1A OP
 NSR Permit 1743, Special Condition 2 PERMIT
 NSR Permit 1743, Special Condition 9 PERMIT
 Description: Failure to operate Flare ACR/FLR57 with a pilot flame present at all times.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 4 OP
 NSR Permit 1743, Special Condition 13 PERMIT
 Description: Failure to maintain the water flow to scrubber ACR/ABS59.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 NSR Permit 1743, Special Condition 15 PERMIT
 Description: Failure to perform the Second and Fourth Quarter 2005 CGAs of ACR/INC60.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 1E OP
 NSR Permit 1743, Special Condition 16E PERMIT
 NSR Permit 1743, Special Condition 2 PERMIT
 Description: Failure to maintain a cap or plug on an open-ended line.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 NSR Permit 318, Special Condition 5 PERMIT
 Description: Failure to perform Audio, Visual and Olfactory (AVO) inspections for Ammonia (NH3) leaks in EPN AMM/FDKAMB once per twelve hour shift.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.118(f)(1)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 NSR Permit 1743, Special Condition 2 PERMIT
 Description: Failure to include all daily averages of measured parameters in the HON Periodic Report for the period of October 11, 2005 through April 10, 2006.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 4 OP
 NSR Permit 1743, Special Condition 10 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS219.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 NSR Permit 1743, Special Condition 12 PERMIT

Description: Failure to maintain the operating parameter of the Oxygen concentration and to continuously monitor the Oxygen concentration of the Unit ACR/INC60.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 NSR Permit 1743, Special Condition 8C PERMIT

Description: Failure to maintain the operating temperature of Vapor Combustor Unit ACR/VC51.

Date: 03/31/2008 (638733) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 4351, Special Condition 8E PERMIT
 5C THSC Chapter 382 382.085(b)
 O-01961, General Terms and Conditions OP
 O-01961, Special Condition 16 OP
 O-01961, Special Condition 1A OP

Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01961 General Terms and Conditions OP
 O-01961, Special Condition 3D OP

Description: Failure to perform quarterly visible emission observations (VEO).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(i)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to keep a container of hazardous waste closed in a satellite accumulation area (SAA).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-01961, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
 5C THSC Chapter 382 382.085(b)
 O-01961, General Terms and Conditions OP

Description: Failure to accurately certify compliance in Annual Compliance Certifications

(ACCs).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP
O-01961, Special Condition 16 OP
Permit 4351, Special Condition 5D PERMIT

Description: Failure to perform annual calibrations on the process flow monitor.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
5C THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP
O-01961, Special Condition 1A OP

Description: Failure to conduct inspections on the Benzene internal floating roof tank within the previous 12 months.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)
5C THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP
O-01961, Special Condition 1A OP

Description: Failure to maintain the required audio, visual, olfactory (AVO) weekly inspections on the pumps and flanges.

Date: 07/29/2009 (749567)

CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP
O-01961, Special Condition 16 OP
Permit 4351, Special Condition 2 PERMIT
Permit 4351, Special Condition 8C PERMIT

Description: Failure to operate the emergency flare, ANI/FLR296, with no visible emissions on January 5 and 7, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01961 General Terms and Conditions OP
O-01961 Special Condition 2F OP

Description: Failure to determine if the event in Violation Track Number (VTN) 368029 was a reportable or recordable emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
O-01961 General Terms and Conditions OP
O-01961 Special Condition 16 OP
Permit 4351 Special Condition 4 PERMIT

Permit 4351 Special Condition 8B PERMIT
 Description: Failure to operate the NOx Fare, ANI/FLR373, with a flame present at all times while emissions are being routed to it.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 115, SubChapter B 115.136(a)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143(e)
 5C THSC Chapter 382 382.085(b)
 O-01961 General Terms and Conditions OP
 O-01961 Special Condition 15 OP
 Description: Failure to maintain monitoring data for the water scrubber (EPN: ANI/ABS62) due to a malfunction of the IP21 data historian system.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01961 General Terms and Conditions OP
 O-01961 Special Condition 16 OP
 Permit 4351 Special Condition 8D PERMIT
 Description: Failure to maintain natural gas flow continuous monitoring data.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01961 General Terms and Conditions OP
 O-01961 Special Condition 16 OP
 Permit 4351 Special Condition 13E PERMIT
 Description: Failure to conduct the required audio, visual, or olfactory (AVO) weekly inspections on connectors/flanges.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
 5C THSC Chapter 382 382.085(b)
 O-01961 General Terms and Conditions OP
 O-01961 Special Condition 16 OP
 Permit 4351 Special Condition 13F and G PERMIT
 Permit 4351 Special Condition 4 PERMIT
 Description: Failure to conduct the quarterly Leak Detection and Repair (LDAR) monitoring for the 3rd quarter of 2008.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-01961 General Terms and Conditions OP
 Description: Failure to report all instances of deviations on the Semi-Annual Deviation Report (SDR) for the compliance period of December 28, 2007, through June 27, 2008.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 O-01961 General Terms and Conditions OP
 Description: Failure to accurately certify an Annual Compliance Certification (ACC) for the period of December 28, 2007, through December 27, 2008.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
O-01961 General Terms and Conditions OP
O-01961 Special Condition 18 OP
Description: Failure to submit an ACC and SDR in a timely manner.

Date: 04/22/2010 (795002) CN600128284
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 13 OP
Special Condition 15 PERMIT
Special Condition 2 PERMIT
Description: Failure to perform the daily zero and span calibration drifts on the Nitrogen Oxides (NOx) CEMS on March 14, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 13 OP
Special Condition 15B PERMIT
Special Condition 2 PERMIT
Description: Failure to conduct the CEMS quarterly Cylinder Gas Audit (CGA) for the second quarter of 2009 (April - June).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 13 OP
Special Condition 13E PERMIT
Special Condition 2 PERMIT
Special Condition 4 PERMIT
Description: Failure to equip each open ended line with a cap, blind-flange, plug, or a second valve.

Date: 04/19/2011 (905287) CN600128284
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 13 OP
Special Condition 13E PERMIT
Description: Failure to maintain a second valve, a blind flange, or a tightly-fitting plug or cap on the end of a line in Volatile Organic Compound Service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 13 OP
 Special Condition 8D PERMIT
 Description: Failure to maintain a flow rate below 2,000 pounds to the flare.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 13 OP
 Description: Failure to operate with Nitrous Oxide emissions at less than 44.28 pounds per hour.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report several deviations within the required reporting period.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS
AND COMPANY
RN100216035**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0648-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical plant at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 16, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Thousand One Hundred Two Dollars (\$30,102) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Twelve Thousand Forty-One Dollars (\$12,041) of the administrative penalty and Six Thousand Twenty Dollars (\$6,020) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twelve Thousand Forty-One Dollars (\$12,041) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that:
 - a. On September 14, 2010, in order to prevent a recurrence of emissions events due to the same cause as Incident Nos. 144178 and 144742, the Respondent:
 - i. Installed an automated temperature controller to address rapid changes in temperature and oxygen content in the Ammonia Oxidation Process ("AOP") unit due to changing weather conditions; and
 - ii. Implemented an AOP Abater bed temperature override to prevent high nitrogen oxide ("NOx") emissions due to changing weather conditions.
 - b. On June 3, 2011, Plant leadership reinforced that emissions events must be reported within 24 hours of discovery, and stressed the importance of ensuring that emissions events are properly reported.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 4351, Special Conditions ("SC") No. 1; Federal Operating Permit ("FOP") No. O1961, Special Terms and Conditions ("STC") No. 16 and General Terms and Conditions ("GTC"); and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 4, 2011. Specifically, the Respondent released 516 pounds ("lbs") of NOx from the AOP Abater during an emissions event (Incident No. 143489) that began on August 11, 2010 and lasted nine hours and 49 minutes. The emissions event was caused when the AOP unit tripped due to false pressure readings from a newly installed pressure transmitter, 2PT615. Since this emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to submit an initial notification for Incident No. 143489 within 24 hours after discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 4, 2011. Specifically, the initial notification was due by August 12, 2010 at 2252 hours, but was not submitted until August 13, 2010 at 0810 hours.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 4351, SC No. 1; FOP No. O1961, STC No. 16 and GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during a record review conducted on March 8, 2011. Specifically, the Respondent released 735.16 lbs of NOx from the AOP Abater during an avoidable emissions event (Incident No. 144178) that began on August 23, 2010 and lasted three hours. The emissions event occurred when heavy rains, combined with an 18 degree temperature drop, caused the converter temperature to decrease and created rapid changes in the AOP unit operating temperature and oxygen content. These rapid changes exceeded the capability of the newly installed Digital Control System ("DCS") to adjust the operating parameters. Since this emissions event could have been avoided by better design and operational practices, and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. Failed to submit an initial notification for Incident No. 144178 within 24 hours after discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during a record review conducted on March 8, 2011. Specifically, the initial notification was due by August 24, 2010 at 2000 hours, but was not submitted until August 30, 2010 at 1540 hours.
5. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 4351, SC No. 1; FOP No. O1961, STC No. 16 and GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 8, 2011. Specifically, the Respondent released 326.44 lbs of NOx from the AOP Abater during an emissions event (Incident No. 144742) that began on September 12, 2010 and lasted two hours. The emissions event occurred when heavy rains, combined with a 17 degree temperature drop, caused the converter temperature to

decrease and created rapid changes in the AOP unit operating temperature and oxygen content. These rapid changes exceeded the capability of the newly installed DCS to adjust the operating parameters. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2011-0648-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

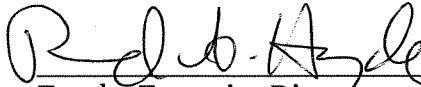
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twelve Thousand Forty-One Dollars (\$12,041) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/27/11

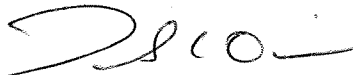
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

7-25-11

Date

Thomas C DAVIS

Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

Plant Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-0648-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company
Penalty Amount:	Twenty-Four Thousand Eight-Two Dollars (\$24,082)
SEP Offset Amount:	Twelve Thousand Forty-One Dollars (\$12,041)
Type of SEP:	Contribution to Pre- Approved SEP
Third-Party Recipient:	Texas Air Research Center
Project Name:	Flare Minimization and Air Quality Modeling
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Air Research Center** for the *Flare Minimization and Air Quality Modeling* project. The contribution will be used in accordance with the Supplemental Environmental Project executed on October 30, 2009, between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used for advanced modeling involving utilizing optimization and plant-wide dynamic simulation to cause reductions in flaring during turnaround operations at industrial facilities. Flaring during turnaround operations (startups and shutdowns) at industrial facilities is a substantial source of both volatile organic compounds (VOCs) and highly reactive volatile organic compounds (HRVOCs), and flaring results in considerable loss of energy and resources. Reductions in VOC and HRVOC emissions are expected to occur primarily through reducing the duration of turnarounds and through recycling or reuse of materials that would otherwise be flared.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

E.I. du Pont de Nemours and Company
Agreed Order - Attachment A

commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

This SEP will directly benefit the environment by reducing emissions into the airshed, thereby improving air quality for the community. This SEP will indirectly benefit the environment by conserving energy and resources through reuse and recycling. The SEP will provide information regarding potential viable air emission reductions strategies that will result in improvement of air quality. This SEP will also provide scientific insights regarding how emissions and meteorological conditions affect the air quality in the airshed.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Air Research Center at Lamar University
Attention: George Talbert, Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

E.I. du Pont de Nemours and Company
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. **Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.